

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

PATRICK MCCRORY, in his official capacity as Governor of North Carolina; **FRANK PERRY**, in his official capacity as Secretary of the North Carolina Department of Public Safety,

Plaintiffs in No. 5:16-cv-238,

NORTH CAROLINIANS FOR PRIVACY, an unincorporated nonprofit association;

Plaintiff in 5:16-cv-245,

v.

UNITED STATES DEPARTMENT OF JUSTICE; LORETTA E. LYNCH, in her official capacity as Attorney General of the United States; **VANITA GUPTA**, in her official capacity as Principal Deputy Assistant Attorney General,

Defendants in No. 5:16-cv-238,

UNITED STATES DEPARTMENT OF JUSTICE; LORETTA E. LYNCH, in her official capacity as United States Attorney General; **UNITED STATES DEPARTMENT OF EDUCATION**; and **JOHN B. KING, JR.**, in his official capacity as United States Secretary of Education.

Defendants in No. 5:16-cv-245.

Case Nos.
5:16-cv-238-BO
5:16-cv-245-FL

MOTION TO CONSOLIDATE CASES

Plaintiff North Carolinians for Privacy respectfully moves to consolidate its case with *McCrory v. United States*, No. 5:16-cv-238-BO, pursuant to Federal Rule of Civil

Procedure 42. As explained in the accompanying memorandum of law, these cases raise similar legal and factual issues, address the validity of the same North Carolina law, and involve the Federal Government as defendants. The requested consolidation of these actions will conserve the parties' resources, minimize the burden imposed by this litigation on this District, and reduce the risk of inconsistent rulings.

Before filing this motion, Plaintiff's Counsel reached out to Counsel for Plaintiffs in *McCrory v. United States* but did not receive a response regarding whether they consent to this motion for consolidation. However, Counsel for Defendants in this action, which include the federal agency Defendant in *McCrory v. United States*, indicated their intent to oppose this motion for consolidation.

Respectfully submitted this the 24th day of May, 2016.

/s/ Jeremy D. Tedesco
JEREMY D. TEDESCO, AZ 023497
JAMES A. CAMPBELL, AZ 026737
KRISTEN K. WAGGONER, AZ 032382
JOSEPH E. LARUE, AZ 031348
JONATHAN CALEB DALTON, AZ 030539
ALLIANCE DEFENDING FREEDOM
15100 N. 90th St.
Scottsdale, Arizona 85260
(480) 444-0020
(480) 444-0028 Fax
jtedesco@ADFlegal.org
jcampbell@ADFlegal.org
kwaggoner@ADFlegal.org
jlarue@ADFlegal.org
cdalton@ADFlegal.org

/s/ Deborah J. Dewart
DEBORAH J. DEWART
North Carolina Bar No. 30602
LIBERTY, LIFE AND LAW FOUNDATION
620 E. Sabiston Drive
Swansboro, NC 28584-9674
(910) 326-4554
(877) 326-4585 Fax
debcpalaw@earthlink.net
Local Civil Rule 83.1 Counsel

DAVID A. CORTMAN, GA 188810
J. MATTHEW SHARP, GA 607842
ALLIANCE DEFENDING FREEDOM
1000 Hurricane Shoals Road NE
Suite D-1100
Lawrenceville, Georgia 30043
(770) 339-0774
(770) 339-6744 Fax
dcortman@ADFlegal.org
msharp@ADFlegal.org

Counsel for North Carolinians for Privacy

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on May 24, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Jeremy D. Tedesco
JEREMY D. TEDESCO